

April 26, 2007

To: Department of Homeland Security
Ref: Chemical Facility Security Regulations
From Ken Mull
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DHS,

This letter seeks to inform you of some of the implications of the Interim Final Rule on chemical plant security. This regulation will be very burdensome and cause a mountain of unnecessary work and overhead to an already very safe industry.

I own and operate propane tanks with a capacity greater than 7500 lbs. I am concerned about the security of our company assets, and so I comply with all applicable DOT regulations and local codes dealing with security. But the DHS rules go way overboard.

When I read the regulations I was shocked to find that DHS has set the propane threshold at 7,500 pounds for the top screen analysis. I do not believe that DHS has done its homework adequately as this threshold quantity will bring in literally thousands of customer facilities such as mine.

I believe that DHS has gone beyond the limitations contained in the statute passed by Congress last year. That law said that nothing in the rules could supersede other laws pertaining to the manufacture, use, distribution in commerce, or sale of chemicals. What this means to me is that DHS needs to incorporate within its rules the statutory exemptions from the RMP rules contained in the Fuels Regulatory Relief Act of 1999, passed by Congress unanimously. That law clarified that facilities storing flammable materials for sale as a fuel or for use as a fuel were exempt from the RMP regulations. DHS needs to exempt these facilities from having to do a top screen analysis, not just exempt them from coverage by the rules post-top screen.

I truly hope that DHS understands how burdensome this rule will be for propane. Thank you for reconsidering this proposal.

Sincerely, Ken Mull

